Approved For Release 2005/08/02 : CIA-RDP92-00455R000300070027-7 3 -1 - 7 ξ OGC Has Reviewed

3 March 1978

STATINTL				•		
STATINTL	MEMORANDUM FOR:	Associate General	Council			
	FROM: [Chief/Support Staf	f/ICS			
	SUBJECT:	Official Transportat Deputy to the DCI	ion Provided to the for Resource Management			
	Gary:					
STATINTL	as to the authority to provide home-to-work use of a government venicle and driver for D/DCI/RM. official STA duties make it necessary to provide him with government transportation to and from work in order to effectively carry out his official responsibilities. The general nature of his duties will require, virtually on a daily basis, that he take classified information from his office to his home for overnight study and action. The classified material will, of course, only be retained on an overnight basis and be returned by him the next morning to his office.					
	appropriation for the IC Staff. When a replacement is required for this vehicle, it will be purchased from the IC Staff appropriation.					
	3. It is requested that a determination be made as to the legality of providing home-to-work use of government transportation as described above and whether proper authority presently exists for such action STATINI without further approval.					

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EXPLICIT AUTHORITY FOR DCI TO APPOINT
SUBORDINATE OFFICERS
(Section 3(d)(3), which appears at
page 19 of the current draft)

and

AUTHORIZATION FOR CLA TO SUPPORT DCI (Sections 3(h)(11), which appears at page 29 of the current draft)

Current draft:

Section 3(d)(3): The Director of Central Intelligence may appoint such subordinate officers within CIA and the staff elements of the office of the Director of Central Intelligence as are necessary, and these officers shall have such authority as the Director of Central Intelligence may prescribe in accordance with relevant statutes and Executive Orders.

Section 3(h): . . . the CIA shall . . .

(11) Provide inspection, audit, public affairs, legal and legislative services and administrative support to those elements of the Office of the Director of Central Intelligence established to support the execution of the Director's Intelligence Community responsibilities.

Explanation of issue: The issue is whether the broad authorization contained in these sections is necessary or desirable in this Order.

POSITIONS:

Concur in current draft: DCI.

State, Justice and DoD do not object.
NSC Staff does not object to Section 3(h)(11).

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Rationale: These provisions specifically provide the Director with the flexible administrative authority and staff support that will be essential to the full and effective implementation of the expanded responsibilities vested in the Director by Presidential Directive NSC-17 and this Executive Order. The intention of these provisions is not the delegation of the functions of the Intelligence Community Staff to the CIA. a fear expressed by the Office of Management and Budget. The development of the National Foreign Intelligence Program Budget, and the organization and management of the National Intelligence Tasking Center, will impose substantial additional demands upon the resources available to the Director, i.e., the personnel : and facilities of the Intelligence Community Staff, and, as necessary and appropriate, those of the CIA. No one can now foresee the precise form and extent of these demands or how best to meet them as these programs are developed.

The Office of Management and Budget has expressed the fear that the second provision, Section 3(h), which specifically authorizes CIA to continue to provide various support services to the Director, would somehow allow CIA to threaten the independence of the Intelligence Community Staff. As has been stated earlier, it is almost impossible to anticipate with any degree of accuracy the nature and extent of additional demands upon the resources available to the Director which will result from the augmented responsibilities assumed by the Director pursuant to this order. While the resources of the Intelligence Community Staff will, or course, continue to be available to the Director to perform various functions pertaining to the Director's Community-wide responsibilities, these resources alone may prove to be insufficient or ill-suited as to some particular facet of the developing programs regarding the NFIP budget and the NITC. Furthermore, the Intelligence Community Staff is not now able to provide support for itself in several of the specific areas of support described in this Section, and is in no position to perform such support services for the Director. The provision by CIA where necessary of, for example, legislative or public affairs services in support of the Director's Community responsibilities and in support of the IC Staff itself need not be incompatible with independence. This is especially true since such services are in fact now provided by CIA. This section of the Order would merely furnish specific authority for CIA to provide the enumerated services when necessary and requested by the Director.

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The only goal of these provisions is to allow the Director in specific terms the managerial discretion required to adapt existing structure to new demands. While the NSC staff may be correct in asserting that complete and adequate resolution of this matter may require treatment in a reorganization plan, that is not a sufficient basis on which to delete the first provision, Section 3(d)(3). As it is drawn, the provision recognizes the Director may not act in any way not now allowed by existing statutes and executive Orders. It does not attempt to accomplish any goal which may be accomplished only by a reorganization plan.

The provisions are valuable only as an interim specific authority to meet developing demands on available resources within the limits of existing law, pending the development of a reoganization plan or statutory means for completing the requisite restructuring.

Support change in current draft: OMB.

Nature of change: Delete the first provision, Section 3(d)(3), in the current draft and substitute the following:

(3) The Director of Central Intelligence shall establish such elements within the Office of the Director of Central Intelligence as are necessary to carry out the responsibilities assigned above.

Delete the section provision, Section 3(h), entirely and substitute, under Section 3(g) which deals with the responsibilities of senior officials, the following:

(11) The agencies of the Intelligence Community, upon the request of the Director of Central Intelligence and in coordination with the heads of departments and agencies involved in the National Foreign Intelligence Program, may provide such inspection, audit, support, and administrative services to the Office of the Director of Central Intelligence to support the execution of the Director's Intelligence Community responsibility as may be necessary. Such services, when provided, will be funded on a reimbursable basis.

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Deputy to t	he DCI for Res	<u>ource Ma</u>	nageme nt			
FROM:		EXTENSION	STATINTL			
Chief/Support Staff/IC	\$		3 March 1978			
TO: (Officer designation, room number, and building)	DATE	OFFICER'S	COMMENTS (Number each comment to show from whom			
	RECEIVED FORWARDED	INITIALS	to whom. Draw a line across column after each comment.)			
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